

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ANTHONY BERGER,

Plaintiff,

v.

IRON COUNTY JAIL,

Defendant.

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No. 1:17-cv-216-PLC

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. On December 11, 2017, plaintiff Anthony Berger filed a complaint in this Court pursuant to 42 U.S.C. § 1983. Therein, he averred that he was incarcerated at the Iron County Jail. In addition, the allegations in the complaint concerned the conditions of his confinement. He moved for leave to proceed *in forma pauperis*, but he did not submit a certified inmate account statement as required by 28 U.S.C. § 1915(a)(2), or any other financial information. In an Order dated January 5, 2018, the Court noted the foregoing, explained that prisoners seeking leave to proceed *in forma pauperis* are required to submit a certified copy of their prison account statements for the six-month period immediately preceding the complaint, and directed plaintiff to submit the required financial information no later than February 5, 2018.

Plaintiff neither responded to that Order, nor sought additional time to do so. In consideration of his *pro se* status, the Court entered an order on February 22, 2018 *sua sponte* granting him additional time to comply. In that Order, the Court specifically cautioned plaintiff that his failure to timely respond to the Order would result in the dismissal of his case, without prejudice. Plaintiff's response was due on March 8, 2018. However, as of the date of this

Memorandum and Order, he has neither responded to the Court, nor sought additional time to do so.

Plaintiff was given meaningful notice of what was expected, and cautioned that his case would be dismissed if he failed to timely comply. Nevertheless, he has failed to respond in any way to the Court's Orders. Without a prison account statement or other appropriate financial information, the Court cannot rule on plaintiff's application to proceed *in forma pauperis*. Therefore, this action will be dismissed without prejudice due to plaintiff's failure to prosecute his case and his failure to comply with this Court's January 5, 2018 and February 22, 2018 Orders. Fed. R. Civ. P. 41(b); *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 20th day of March, 2018.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE